

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

**ANDALE REAL ESTATE INC.,
RESPONDENT**

**FINAL DECISION AND ORDER
99 REB 176
LS0005244REB**

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

*Andale Real Estate Inc.,
1231 Broadway Street North
Menomonie, WI 54751*

*Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **Andale Real Estate Inc.**, ("Andale"), is duly licensed in the state of Wisconsin as a real estate corporation having license #91 24314. This license was first granted to it on 9/08/80.
2. Andale's most recent address on file with the Department of Regulation and Licensing is 1231 North Broadway, Menomonie, WI 54751.
3. This investigation involves a complaint filed with the Division of Enforcement by Jodi A. Giroux relating to the failure of John A. Sobota, a broker employed by Andale, and at the time this matter took place a designated managing broker for the Baldwin branch office of Andale, to properly document the safe water testing required under a purchase contract drafted by him. This contract required Andale's client, Sue S. Tangen to provide to Giroux a written report from a qualified laboratory confirming that the well serving the Tangen property was supplying bacteriologically safe water.
4. John A. Sobota became aware of an UNSAFE level of bacteria in the well after receiving a written report from a licensed laboratory. Sobota allowed the closing of the transaction to take place after receiving a verbal statement from the seller that a second water test showed the water as being safe. Sobota never demanded a written laboratory report. In fact a second report showed the water as UNSAFE for human consumption and the well was required to be replaced after closing.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **ANDALE REAL ESTATE INC.**, is subject to discipline by virtue of section 452.12(3)(a) of the Wisconsin Statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, Respondent **ANDALE REAL ESTATE, INC.**, pay partial costs of this matter in the amount of \$300.00 within 30 days of the date of this order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **ANDALE REAL ESTATE, INC.**, fails to pay the \$300.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **ANDALE REAL ESTATE, INC.**, its real estate license shall be immediately suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and its failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, Respondent **ANDALE REAL ESTATE, INC.**, pay a **FORFEITURE** of \$1,000.00 within 30 days of the date of this order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **ANDALE REAL ESTATE, INC.**, fails to pay the \$1,000.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **ANDALE REAL ESTATE, INC.**, its real estate broker's license shall be immediately suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture has been paid to the Department of Regulation and Licensing and its failure to pay the forfeiture shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 176 be, and hereby is closed as to **ANDALE REAL ESTATE, INC.**

Dated this 24th day of May, 2000.

WISCONSIN REAL ESTATE BOARD

By:

James Imhoff, Jr.

A member of the Board